

### **Remarks**

Applicant has amended claims 11 and 16. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

The Examiner has rejected claims 1 – 5, 9 – 12 and 15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,136,501 to Silerman et al. (“the ‘501 patent”) in view of U.S. Patent No. 4,266,775 to Chitnis et al. (“the ‘775 patent”). The Examiner has further rejected Claims 6 – 8 under 35 U.S.C. §103(a) as being unpatentable over the ‘501 patent in view of the ‘775 patent and further in view of *Dictionary of Finance and Investment Terms*. The Examiner has still further rejected Claims 13 – 14 under 35 U.S.C. §103(a) as being unpatentable over the ‘501 patent in view of the ‘775 patent and further in view of U.S. Patent No. 4,677,552 to Sibley, Jr. (“the ‘552 patent”). The Examiner has yet further rejected Claims 16 – 17 under 35 U.S.C. §103(a) as being unpatentable over the ‘501 patent in view of the ‘775 patent and further in view of U.S. Patent No. 6,745,236 to Hawkins et al. (“the ‘236 patent”). These rejections are respectfully traversed.

### **35 U.S.C. §103(a) Rejections**

Applicant respectfully submits that claim 1 requires among other elements, “a database accessible by said computer containing a plurality of player files associated with a plurality of players of the system wherein each of said plurality of player files contains a player portfolio associated with a specific player including commodities and units thereof and a money value” and “said plurality of player files further containing a player score determined by said computer based on said player portfolio.”

The '501 patent is a "matching system for trading instruments in which bids are automatically matched against offers for given trading instruments for automatically providing matching transactions in order to complete trades for the given trading instruments" via a network connection. (abstract) Alternatively, the '775 patent is a commodity trading board game including a "world map" board, "a command die", "a quantity die", "a commodity die" and "a market price setting spinner." (abstract) Alternatively, the present invention is directed toward a commodities trading simulation over a network, such as the Internet. (p. 3)

Neither the '501 patent nor the '775 patent teach, disclose or suggest "a database accessible by said computer containing a plurality of player files associated with a plurality of players of the system wherein each of said plurality of player files contains a player portfolio associated with a specific player including commodities and units thereof and a money value" as required by all the claims of the present application. The Examiner has submitted that "it was old and well known to maintain records of trader holdings, (i.e., a portfolio), and to manipulate them" and that "such a portfolio of commodity holdings would be necessary for a trader/player to know what his/her assets were." (Official Action p. 3) Even assuming that some central computer did keep track of the commodities that an individual purchased, Applicant submits that a database including a plurality of player files including "commodities and units thereof and a money value" is not known. While the Examiner has submitted that a file showing a user their assets is known, Applicant submits that a database "containing a plurality of player files" including "commodities and units thereof and a money value" is not. Individuals may have such information located on their own computer (i.e. a plurality of databases containing a user portfolios), but a central database containing such information is not taught or suggested in any of the cited prior art.

Applicant further respectfully submits that none of the cited prior art teaches, discloses or suggests "said plurality of player files further containing a player score deter-

mined by said computer based on said player portfolio” as required by all the claims of the present application.

While the Examiner has stated that “the accumulated portfolio value would constitute a score, as money can be considered the ultimate score-keeping device”, Applicant respectfully submits that the '501 patent still does not teach “a score determined by said computer” as claimed. The Examiner seems to be suggesting that each individual is able to determine how much money they individually have made and that making money equates to winning. However, each user is not given a score that is calculated by the computer and is then compared with the other player scores to determine a winner.

Applicant therefore respectfully submits that because the '501 patent does not teach, disclose or suggest “a database accessible by said computer containing a plurality of player files associated with a plurality of players of the system wherein each of said plurality of player files contains a player portfolio associated with a specific player including commodities and units thereof and a money value” or “said plurality of player files further containing a player score determined by said computer based on said player portfolio”, even in view of taking Official Notice, the '501 patent cannot render the present claims obvious.


Applicant further respectfully submits that there is no suggestion in either the '501 patent or the '775 patent to combine these references as the Examiner is suggesting. The '501 patent is directed to a real life online trading and matching system over a network connection. The '775 patent on the other hand, is directed to a board game utilizing dice and playing pieces. Applicant respectfully submits that, other than by using the present claimed invention as a road map, there is no motivation to combine these two references.

Applicant still further respectfully submits that even if these references were combined as suggested by the Examiner, the references would still need to be further modified to arrive at the claimed invention as neither reference teaches, discloses or suggests "a database . . . containing a plurality of player files . . . each of said plurality of player files contains a player portfolio associated with a specific player including commodities and units thereof and a money value" or "said plurality of player files further containing a player score determined by said computer based on said player portfolio" as required by all the claims of the present application.

Therefore, Applicant respectfully submits that because neither the '501 patent nor the '775 patent teach, disclose or suggest "a database accessible by said computer containing a plurality of player files associated with a plurality of players of the system wherein each of said plurality of player files contains a player portfolio associated with a specific player including commodities and units thereof and a money value" or "said plurality of player files further containing a player score determined by said computer based on said player portfolio", neither reference alone or in combination can render the present claims obvious.

It is respectfully submitted that claims 1 – 17, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,



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